

KLAMATH FALLS RESOURCE AREA
NEPA CONFORMANCE/PLAN CONFORMANCE
RECORD

KCER 99-16

BLM Office: Klamath Falls R.A.

Serial No. OR 55177

Applicant: Bill W. Middlebrooks

Proposed Action Title/Type: Commercial use of an existing road

Location of Proposed Action: T.38 S., R. 11 E. W. M. Sec. 10 S½NE¼, SE¼NW¼

Description of Proposed Action: Mr. Bill Middlebrooks wishes to use Jaguar Lane in Klamath Forest Estates to haul approximately 9 MBF of timber harvested from private lands. Mr. Middlebrooks has requested the duration of the right-of-way be one month.

Part 1 Plan Conformance Review This proposed action is subject to the Klamath Falls Resource Area Record of Decision and Resource Management Plan, approved June 1995.
The proposed action has been reviewed for conformance with this plan (43 CFR 1610.5, BLM MS 1617.3)

Tom Cottingham
Realty Specialist

Part 2 NEPA Review

A. Categorical exclusion review. This proposed action qualifies as a categorical exclusion under 516 DM 6, Appendix 5.4 E (12). It has been reviewed to determine if any exceptions described in 516 DM 2, Appendix 2, apply.

Tom Cottingham
Realty Specialist

B. Existing EA/EIS review. This proposed action is addressed in the following existing BLM EA/EIS: Klamath Falls Resource Area Record of Decision and Land Use Plan. Date Approved: June 1995.

This EA/EIS has been reviewed against the following criteria to determine if it covers the proposed action:

1. The proposed action is a feature of, or is essentially the same as, the alternative selected and analyzed in the existing document.
2. A reasonable range of alternatives was analyzed in the existing document.
3. There has been no significant change in circumstances or significant new information germane to the proposed action.
4. The methodology/analytical techniques approach previously used is appropriate for the proposed action.
5. The direct and indirect impacts of the proposed action are not significantly different than those identified in the existing document.
6. The proposed action would not change the previous analysis of cumulative impacts.
7. Public involvement in the previous analysis provides appropriate coverage for the proposed action.

Tom Cottingham
Realty Specialist

Part 3 Recommendation/Rationale

Recommendation: I recommend that a right-of-way 4,620 feet long and 60 feet wide, for commercial use of an existing road be granted to Bill W. Middlebrooks for a period of 1 month, with an option to renew, across T. 38 S., R. 11 E. W. M. Sec. 10 S½NE¼, SE¼NW¼. The grant should be made under the authority of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761) and subject to the terms and conditions in 43 CFR 2801 and rental payments as determined by 43 CFR 2803.1-2. The grant should also be subject to the mitigations set forth in the application.

Rationale for Recommendation: The proposed action meets the criteria for categorical exclusion in 516 DM 6, Appendix 5.4 E (12), and none of the exceptions in 516 DM 2, Appendix 2, apply. Further, the action is in conformance with the Klamath Falls Resource Area Resource Management Plan, Approved June 1995 June 1995.

Tom Cottingham
Realty Specialist Date 7/1/99

Decision: I have reviewed this plan conformance and NEPA conformance record and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required. It is my decision to implement the project, as described, with the mitigation measures identified below.

Mitigation Measures/Other Remarks: None

Bill W. Middlebrooks
PO Box 575
Merrill, OR 97633

Categorical Exclusion No. KCER 99-16

The proposed action to issue a right-of-way grant to Mr. Bill Middlebrooks for use of Jaguar Lane in Klamath Forest Estates to haul approximately 9 MBF of timber harvested from private lands is designated a categorical exclusion in 516 DM 6 appendix 5.4 E (12). The proposal has been screened and does not meet the criteria for exception under 516 DM 2.3A(3): 1. Health and Safety; 2. Unique Resources; 3. Controversial; 4. Risks; 5. Precedent; 6. Cumulative; 7. Cultural and Historical; 8. Threatened or Endangered Species; 9. Violate Law. Therefore, no further environmental analysis is required.

Teresa A. Raml
Teresa A. Raml
Manager, KFRA

7/2/99
Date